

# HISTORY OF LATIN AMERICAN CIVILIZATION

*Sources and Interpretations*

VOLUME ONE THE COLONIAL EXPERIENCE

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less attention, but with all your heart and senses, so that you may hear it; for this is going to be the strangest voice that ever you heard, the harshest and hardest and most awful and most dangerous that ever you expected to hear. . . . This voice says that you are in mortal sin, that you live and die in it, for the cruelty and tyranny you use in dealing with these innocent people. Tell me, by what right or justice do you keep these Indians in such a cruel and horrible servitude? On what authority have you waged a detestable war against these people, who dwelt quietly and peacefully on their own land? . . . Why do you keep them so oppressed and weary, not giving them enough to eat nor taking care of them in their illness? For with the excessive work you demand of them they fall ill and die, or rather you kill them with your desire to extract and acquire gold every day. And what care do you take that they should be instructed in religion? . . . Are these not men? Have they not rational souls? Are you not bound to love them as you love yourselves? . . . Be certain that, in such a state as this, you can no more be saved than the Moors or Turks.

Montesinos thereupon strode out of the church with head high, leaving a muttering crowd of colonists and officials behind him, who were astounded, but not one was converted. He had come as near to convincing his hearers of their wrongdoing as would a theological student in our day who delivered a soapbox philippic in Wall Street on the biblical text "Sell that which thou hast and give to the poor, and thou shalt have treasure in heaven."

The colonists gathered at the house of the Governor, Diego Columbus, protested against the sermon as a scandalous denial of the lordship of the king in the Indies, and delegated a group which went indignantly to the monastery to exact an apology and disavowal. The vicar, Pedro de Córdoba, unimpressed by the delegation's threat to expel the offensive friar, assured them that Montesinos had spoken for the Dominican group. He promised, however, that Montesinos would preach the next Sunday on the same topic. The colonists thereupon retired, believing they had won their point.

Word of the expected retreat spread quickly, and the following Sunday most of the leading Spaniards crowded into the church. Montesinos mounted the pulpit and announced the disquieting text "Suffer me a little, and I will show thee that I have yet to speak on God's behalf." Rather than explaining away his previous sermon with dialectic subtleties, he proceeded to belabor the colonists anew, with even more passion than before, warning them that the friars would no more receive them for confession and absolution than if they were so many highway robbers. And they might write home what they pleased, to whom they pleased.

These words were soon heard in Spain, even by the King. On March 20, 1512, Ferdinand ordered Governor Diego Columbus to reason with Monte-

sinos. If the Dominican and his brothers persisted in their error, previously condemned by the canonists, theologians, and learned men gathered to deliberate on the problem ten years before, the Governor was instructed to send them to Spain by the first ship so that their Superior might punish them "because every hour that they remain in the islands holding such wrong ideas they will do much harm."

Three days later on March 23, 1512, the Dominican Superior in Spain, Alonso de Loaysa, reproved Montesinos in an official communication to the Dominican Provincial in Hispaniola and ordered him to prevail upon the friars to stop preaching such scandalous doctrine. The Provincial was warned that no more friars would be sent if such preaching were permitted to continue.

Thus began the first great struggle for justice in the New World.

## FUNDAMENTAL LAWS

### 13. *The Requirement, 1513, a Most Remarkable Document*

One of the most dramatic and most debated documents in the history of Spanish America has been the Requirement or manifesto drawn up by jurists and theologians in Valladolid in 1513. It was designed to be read to Indians before hostilities could be legally launched, and was first employed in 1514 by the aged and vitriolic conquistador Pedrarias Dávila near Santa Marta. Later it was made part of the baggage that every conquistador carried to America, and it was used in a number of curious circumstances:

The Requirement was read to trees and empty huts when no Indians were to be found. Captains muttered its theological phrases into their beards on the edge of sleeping Indian settlements, or even a league away before starting the formal attack, and at times some leather-lunged Spanish notary hurled its sonorous phrases after the Indians as they fled into the mountains. Once it was read in camp before the soldiers to the beat of the drum. Ship captains would sometimes have the document read from the deck as they approached an island, and at night would send out enslaving expeditions, whose leaders would shout the traditional Castilian war cry "Santiago!" rather than read the Requirement before they attacked the near-by villages.\*

\* Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Boston: Little, Brown and Company, 1965), p. 34.

Modern historians have usually treated the Requirement in a derisive or ironical spirit. Spaniards themselves, when describing this document, have often shared the dilemma of Las Casas, who confessed on reading it that he could not decide whether to laugh or to weep. He roundly denounced it on practical as well as theoretical grounds. Even its author, the jurist Palacio Rubios, "laughed often" when he was told of how it was applied in the New World, though the learned doctor still believed that it satisfied the demands of Christian conscience when executed in the manner originally intended.

On the part of the King, don Fernando, and of doña Juana, his daughter, Queen of Castille and Leon, subduers of the barbarous nations, we their servants notify and make known to you, as best we can, that the Lord our God, Living and Eternal, created the Heaven and the Earth, and one man and one woman, of whom you and I, and all the men of the world, were and are descendants, and all those who come after us. But, on account of the multitude which has sprung from this man and woman in the five thousand years since the world was created, it was necessary that some men should go one way and some another, and that they should be divided into many kingdoms and provinces, for in one alone they could not be sustained.

Of all these nations God our Lord gave charge to one man, called St. Peter, that he should be Lord and Superior of all the men in the world, that all should obey him, and that he should be head of the whole human race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction.

And he commanded him to place his seat in Rome, as the spot most fitting to rule the world from; but also he permitted him to have his seat in any other part of the world, and to judge and govern all Christians, Moors, Jews, Gentiles, and all other sects. This man was called Pope, as if to say, Admirable Great Father and Governor of men. The men who lived in that time obeyed that St. Peter, and took him for Lord, King, and Superior of the universe; so also have they regarded the others who after him have been elected to the Pontificate, and so it has been continued even until now, and will continue until the end of the world.

One of these Pontiffs, who succeeded that St. Peter as Lord of the world, in the dignity and seat which I have before mentioned, made donation of these isles and Terra-firme to the aforesaid King and Queen and to their successors, our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish.

Based upon the translation given in Arthur Helps, *The Spanish Conquest in America and Its Relation to the History of Slavery and to the Government of the Colonies*, vol. 1 (London, 1900), pp. 264-267.

So their Highnesses are kings and lords of these islands and land of Terra-firme by virtue of this donation; and some islands, and indeed almost all those to whom this has been notified, have received and served their Highnesses, as lords and kings, in the way that subjects ought to do, with good will, without any resistance, immediately, without delay, when they were informed of the aforesaid facts. And also they received and obeyed the priests whom their Highnesses sent to preach to them and to teach them our Holy Faith; and all these, of their own free will, without any reward or condition, have become Christians, and are so, and their Highnesses have joyfully and benignantly received them, and also have commanded them to be treated as their subjects and vassals; and you too are held and obliged to do the same. Wherefore as best we can, we ask and require you that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the Ruler and Superior of the whole world and the high priest called Pope, and in his name the King and Queen doña Juana our lords, in his place, as superiors and lords and kings of these islands and this Terra-firme by virtue of the said donation, and that you consent and give place that these religious fathers should declare and preach to you the aforesaid.

If you do so, you will do well, and that which you are obliged to do to their Highnesses, and we in their name shall receive you in all love and charity, and shall leave you your wives, and your children, and your lands, free without servitude, that you may do with them and with yourselves freely that which you like and think best, and they shall not compel you to turn Christians, unless you yourselves, when informed of the truth, should wish to be converted to our Holy Catholic Faith, as almost all the inhabitants of the rest of the islands have done. And besides this, their Highnesses award you many privileges and exceptions and will grant you many benefits.

But if you do not do this, and wickedly and intentionally delay to do so, I certify to you that, with the help of God, we shall forcibly enter into your country and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses; we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do all the harm and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their Highnesses, or ours, nor of these cavaliers who come with us. And that we have said this to you and made this Requirement, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requirement.